

Subject: Ruling on Requested Deletion of Counsel from Service List

Date: Wednesday, August 8, 2012 11:48:50 AM PT

From: Mary Gosse <Mary.Gosse@fcc.gov>

To: Albert J. Catalano <ajc@catalanoplache.com>, Brian Carter <Brian.Carter@fcc.gov>, Charles A. Zdebski <czdebski@eckertseamans.com>, Eric J. Schwalb <eschwalb@eckertseamans.com>, Gary Schonman <Gary.Schonman@fcc.gov>, Harry F. Cole <cole@fhhlaw.com>, Howard M. Liberman <Howard.Liberman@dbi.com>, Jack Richards <richards@khilaw.com>, Jeffrey L. Sheldon <jsheldon@fr.com>, Jimmy Stobaugh <jstobaugh@telesaurus.com>, Joshua S. Turner <jturner@wileyrein.com>, Kurt E. DeSoto <kdesoto@wileyrein.com>, Laura H. Phillips <Laura.Phillips@dbi.com>, Matthew J. Plache <mjp@catalanoplache.com>, Pamela Kane <Pamela.Kane@fcc.gov>, Patricia J. Paoletta <tpaoletta@wiltshiregrannis.com>, Patrick R. McFadden <Patrick.McFadden@dbi.com>, Paul J. Feldman <feldman@fhhlaw.com>, Robert J. Jackson <rhj@commilawgroup.com>, Robert J. Keller <rjk@telcomlaw.com>, Robert J. Miller <rmiller@gardere.com>, Robert M. Gurss <gurss@fhhlaw.com>, Tamir Damari <tdamari@nossaman.com>, Terry Cavanaugh <Terry.Cavanaugh@fcc.gov>, Warren C. Havens <warren.havens@sbcglobal.net>, Wes Wright <wright@khilaw.com>

CC: Richard Sippel <Richard.Sippel@fcc.gov>, Austin Randazzo <Austin.Randazzo@fcc.gov>

EB Docket No. 11-71

Maritime Communications/Land Mobile

Attention: Mr. Stobaugh and Mr. Havens

Mr. Stobaugh:

This is in response to your e-mail dated 7/31/2012 on behalf of Warren Havens and his corporate parties, requesting the deletion of appearing counsel names: Patrick McFadden, Laura Phillips and Howard Liberman of Drinker Biddle & Reath LLP, and Tamar Damari of the Nossaman Firm.

Chief Judge Sippel will not be ruling on your request at this time for the following reasons.

First, it is not clear how you might be in privy with Mr. Havens, whether or not you are a licensed attorney, or by what authority you make your request to the Presiding Judge.

Second, the history of non-compliance of SkyTel and Mr. Havens with FCC rules regarding corporate representation by counsel is documented in the record of this docketed FCC proceeding: EB Docket No. 11-71 *Maritime Communications/Land Mobile, LLC, et al.*

- ▶ Order (12M-4), released January 24, 2012
- ▶ Order (12M-7), released January 27, 2012
- ▶ Order (12M-12), released March 7, 2012, footnote 2
- ▶ Order (12M-16), released March 9, 2012
- ▶ Order (12M-17), released March 9, 2012
- ▶ Addendum to Order (12M-22), released April 11, 2012, footnote 1
- ▶ Letter from Robert H. Jackson dated May 18, 2012 indicating the companies represented by Mr. Jackson (Environmental, LLC, Intelligent Transportation and Monitoring Wireless, LLC and Verde Systems, LLC) and those thought to be represented by Mr. Havens, who is not a licensed attorney, and/or Mr. Stobaugh (Skybridge Spectrum Foundation, Telesaurus Holdings GB LLC, V2G LLC and Warren Havens personally).
- ▶ Order (12M-25), released May 21, 2012

Third, until compliance by the Havens parties and agents with bench rulings, and until Mr. Havens obtains counsel for himself and all related entities, there can be no directive from the Presiding Judge as case manager (47 C.F.R. §1.243(f)) to remove names of counsel who have appeared in this case on behalf of Mr. Havens and his corporations from the OALJ's distribution list for this proceeding.

IT IS NOTED that at the present time, Mr. Havens is in violation and even willful contempt of Commission rules

and the Presiding Judge's orders requiring counsel, *supra*. Mr. Havens was given a last chance for revisiting this question in the Presiding Judge's discretion in a bench ruling at the Prehearing Conference of August 1, 2012 (awaiting transcript). However, in order for Mr. Havens' pleading relating to the question to be considered, the pleading MUST (1) be in proper pleading format (see 47 C.F.R. §§1.48-1.52) and (2) be filed with the prescribed number of copies in the Commission's Office of the Secretary (see 47 C.F.R. §1.51(e).; <http://www.fcc.gov/guides/how-file-paper-documents-fcc>).

Mary Gosse, AO
FCC/OALJ
RM 1C831
Washington, DC
202 418-2299
FAX: 202 418-0195
E-Mail: mary.gosse@fcc.gov